

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Carolyn Jefferson,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:15-cv-786-BHH
	)	
Nancy A. Berryhill, Acting	)	
Commissioner of Social Security	)	<b><u>ORDER</u></b>
Administration,	)	
	)	
Defendant.	)	
_____	)	

On September 5, 2017, Beatrice E. Whitten ("Whitten"), counsel for Plaintiff Carolyn Jefferson ("Plaintiff"), filed a motion for attorney's fees pursuant to 42 U.S.C. § 406(b). (ECF No. 36.) In the motion, Whitten requests reimbursement for representation provided in the above-referenced case in the amount of \$19,221.75.<sup>1</sup>

As required by 42 U.S.C. § 406(b), the amount requested by counsel is not greater than twenty-five percent (25%) of the past-due benefits recovered by Plaintiff. Counsel for the Acting Commissioner of Social Security ("Commissioner") filed a response to the motion on September 14, 2017, in which she states that the Commissioner does not oppose the motion. (ECF No. 37.) The Court has reviewed the motion and exhibits and finds that counsel's request for fees is reasonable.

Accordingly, IT IS ORDERED that Plaintiff's motion for attorney's fees (ECF No. 36) pursuant to the Social Security Act, 42 U.S.C. § 406(b), is GRANTED in the amount of

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<sup>1</sup> Plaintiff was awarded \$78,258.00 in back-due benefits.

\$19,221.75.<sup>2</sup>

**IT IS SO ORDERED.**

/s/Bruce Howe Hendricks  
United States District Judge

September 19, 2017  
Charleston, South Carolina

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<sup>2</sup> Plaintiff received \$9,376.00 in attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). (ECF No. 35.) Plaintiff's attorney must refund to Plaintiff the EAJA fees already paid. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) (noting that fees may be awarded under both § 406(b) and EAJA but that the claimant's attorney must refund to the claimant the amount of the smaller fee) (internal quotations and citation omitted); *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528 (2010).